

# Court ruling might hinder methanol foes

State Supreme Court kills citizen initiative in Spokane before it's voted on

Case offers possible guidance for adversaries fighting chemical plant in Tacoma

Final public "scoping" meeting on methanol facility set for Feb. 24



Public notification of Northwest Innovation Works' application to build a methanol production facility is posted outside the gates of the former Kaiser Aluminum property. The Port of Tacoma bought and cleaned up the property after the smelter halted work more than a dozen years ago. In 2014, Northwest Innovation Works signed a 30-year lease with the port to build a proposed 125-acre methanol production facility on the property. News Tribune Drew Perine

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Opponents of a methanol plant in Tacoma — and there are many — have gone searching for public officials willing to throw their weight against the proposed \$3.4 billion natural-gas conversion facility on the Tideflats.

The results have been mixed. While methanol-haters have [found some friends in the Legislature and Federal Way City Hall](#), they've had little luck [enlisting the Tacoma City Council and mayor](#), who say they have no power over a Port of Tacoma lease. And critics would be foolish to think they could sway port commissioners, who unanimously

approved the lease in 2014 and aren't hardwired to reject 1,000 temporary and 260 full-time jobs.

A [new Washington Supreme Court decision](#) suggests opponents might not find much support in the judicial branch, either.

The court issued a ruling this month against Envision Spokane, a group that has tried since 2013 to place a measure on the city ballot allowing voters to block developments they don't like. Through their Community Bill of Rights, the activists sought to protect the local water source by declaring that the Spokane River has "a right to exist and flourish." And they want to deny the legal rights of corporations that violate their manifesto.

What does this have to do with a would-be Chinese-backed methanol plant 300 miles across the state? Possibly quite a lot.

The Tacoma project's foes already attempted to file one city ballot measure asking voters: "Do you want the largest methanol production refinery in the world emitting toxic byproducts that would pollute our air and water located in the Port of Tacoma?" [The city attorney rejected](#) the RedLine Tacoma plan, saying Tacoma's charter doesn't allow for non-binding advisory votes.

Implacable as ever, opponents have started gathering the 3,160 signatures needed for [a different initiative](#). More rebel ballot-box efforts presumably could follow.

The Supreme Court, however, delivered a clear reminder about local initiatives: They are limited because they don't have the heft of constitutionally sanctioned state initiative powers. Many cities have granted voters authority to petition their government — Tacoma, Lakewood and Puyallup, to name a few — but city charters only go so far.

Justice Susan Owens summed up the ruling against Envision Spokane by saying the group's initiative "attempts to regulate a variety of subjects outside this scope of authority, including administrative matters, water law and constitutional rights."

The court felt so strongly that it took the rare step of killing the Spokane initiative before it went to the ballot. Moreover, the justices joined in a unanimous decision.

There's no question Tacoma's methanol opposition includes smart people, and they're learning as they go. Their latest initiative, which they're calling the "large water user ordinance," would require voters to approve all requests for water permits requiring 1 million gallons or more per day. (The Northwest Innovations plant would use a

whopping 10.4 million gallons daily.) This time, critics are taking a safer route by trying to amend city code, allowed under Tacoma's charter.

But as the court highlighted in the Spokane case, things get complicated where water law and long-settled water rights are concerned.

Anti-methanol forces have every right to use all legal arrows in their quiver, including the initiative system. It's understandable that they may feel like part of a "rear-guard action," as a [letter writer says](#) today — what with the lease signed and many influential people supporting the refinery.

But right now, nothing is more pivotal to the fate of the project than the city's lengthy [environmental scoping process](#), which must precede approval of all permits. The last of three public meetings was rescheduled to Feb. 24 at the Greater Tacoma Convention & Trade Center. Doors open at 5 p.m. The meeting starts at 6:30 p.m.

Participation in this fact-finding mission is a good idea for all Tacomans, whether for or against local methanol production — and certainly for those scrupulous searchers who have yet to make up their minds.

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